

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

**IN RE: AMENDMENT TO COURT OF CHANCERY RULES, SECTION
 XIII, RULE 113**

This 15th day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section XIII, Rule 113 shall be amended effective January 1st, 2015.

Rule 113 shall be amended as follows:

Rule 113. Application to sell real estate of disabled person.

~~When a guardian of the property or trustee makes an application to the Court to sell real estate, there shall be produced with the application a valuation of the real estate by at least one disinterested person familiar with the value of real estate in the vicinity of the subject property.~~

~~If the real estate is offered at public sale, such approval shall be obtained prior to the sale. If the real estate is offered at private sale, then approval by the Court shall be a condition of such offer, and such approval shall be obtained before the delivery of the deed to the property.~~

(a) Appointment of Appraiser. When a guardian of the property makes an application to the Court to sell real estate, the guardian shall first file a motion to appoint an appraiser pursuant to 12 Del. C. § 3951(b). The motion shall be accompanied by a proposed order for the appointment of an appraiser by the Court. The appraiser appointed shall be appointed by the Court and shall be independent of the parties and disinterested in the transaction. The appraiser so appointed shall provide the appraisal report to the guardian or trustee within thirty (30) days of the appointment.

(b) Petition to Sell Real Estate.

(1) The guardian shall be authorized to market the real estate of the disabled person for a price equal to or in excess of the appraised value, with the final terms of sale subject to further order of the Court. Thereafter, after obtaining a written contract offer for sale of the real estate, the guardian shall submit a petition to the Court providing a copy of the proposed contract, a copy of the appraisal by the Court appointed appraiser, and any other relevant information regarding the proposed sale. If the guardian seeks to sell the real estate for less than the appraised value, the guardian's petition shall be accompanied by an affidavit explaining why such sale is in the disabled person's best interests, including information regarding the carrying costs of the property, whether the property is vacant, how the property was advertised and marketed, how long the property was marketed, the number of showings and offers received, and whether the proposed sale is an arms-length transaction.

(2) Notice of the petition shall be sent to interested parties identified in the petition to appoint a guardian and to the Office of the Attorney General as counsel for Medicaid in

the case of any disabled person who is approved for and receiving Medicaid benefits at the time of the petition. Persons receiving notice shall be required to file any objection within thirteen days of the receipt of such notice. If no objection is filed within the required time period, the Court may, in its discretion, set the matter down for a hearing or consider the proposed sale based on the documents submitted. In considering the petition, the Court shall consider the provisions of 12 Del. C. § 3951 and may approve the sale of the real estate for such price as it finds to be fair and reasonable and in the best interest of the disabled person.